

STATE OF SOUTH CAROLINA)
COUNTY OF CLARENDON)

IN THE COURT OF COMMON PLEAS
THIRD JUDICIAL CIRCUIT

LATISHA N. BRADY,)
)
Plaintiff,)

SUMMONS

vs.)

2022-CP-14-

JESSICA FLOISSAC and ISLAND)
STYLE HOMECARE, LLC,)

Defendants.)

TO THE DEFENDANTS ABOVE NAMED:

YOU ARE HEREBY SUMMONED AND REQUIRED to answer the Complaint in the above entitled action, a copy of which is herewith served upon you, to appear and defend the action, and to serve a copy of your Answer upon the subscribers at their offices at One Bull Street, Suite 400, Savannah, Georgia 31401, within thirty days from the date of service; you are also notified that, in case of your failure to do so, judgement by default will be rendered against you for the relief demanded in the Complaint.

January 26, 2022
Savannah, Georgia

s/James J. Kasprzycki
James J. Kasprzycki
South Carolina Bar No: 12413
Attorney for Plaintiff

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STATE OF SOUTH CAROLINA)	IN THE COURT OF COMMON PLEAS
COUNTY OF CLARENDON)	THIRD JUDICIAL CIRCUIT
)	
LATISHA N. BRADY,)	
)	
Plaintiff,)	COMPLAINT
)	(Jury Trial Demanded)
vs.)	
)	2022-CP-14-
JESSICA FLOISSAC and ISLAND)	
STYLE HOMECARE, LLC,)	
)	
Defendants.)	

The Plaintiff would respectfully show unto the court and allege as follows:

PARTIES, JURISDICTION AND VENUE

1. The Plaintiff, Latisha N. Brady, is a citizen and resident of Chatham County, State of Georgia, and at the time of the occurrence herein mentioned was a passenger in a 2018 Toyota automobile operated by James C. Merchant.

2. Upon information and belief, Defendant, Jessica Floissac, is a citizen and resident of Fairfield County, State of Connecticut, and at the time of the occurrence herein mentioned was the driver of a 2010 Lexus automobile.

3. Upon information and belief, Defendant, Island Style Homecare, LLC, is a limited liability company organized and existing under the laws of the State of Connecticut, and at the time of the occurrence herein mentioned was the owner of the 2010 Lexus automobile being operated by Defendant, Jessica Floissac.

4. This Honorable Court has jurisdiction of the parties and the subject matter herein set forth.

5. Plaintiff is informed and believes that at all times hereinafter mentioned, Defendant,

Jessica Floissac, was the agent and servant of the Defendant, Island Style Homecare, LLC, and was acting in the course and scope of her employment or agency and that, therefore, the fault of Defendant, Jessica Floissac, is attributable to the Defendant, Island Style Homecare, LLC, under the doctrine of respondeat superior.

FACTUAL ALLEGATIONS

6. On or about the fifteenth day of March, 2019, at or about 2:17 P.M., the Plaintiff, Latisha N. Brady, was a passenger in a 2018 Toyota automobile, traveling south on Interstate 95, in Clarendon County, State of South Carolina.

7. At or near that same time, the Defendant, Jessica Floissac was operating a 2010 Lexus automobile, also traveling south on Interstate 95 in Clarendon County, State of South Carolina.

8. The vehicle in which the Plaintiff was a passenger stopped for traffic.

9. Defendant, Jessica Floissac, who was operating her vehicle behind the vehicle in which Plaintiff was a passenger, was driving too fast for conditions and struck the vehicle in which Plaintiff was a passenger from behind. The vehicle in which Plaintiff was a passenger, was then pushed into the rear-end of the vehicle stopped in front of it.

AS TO DEFENDANT JESSICA FLOISSAC

FOR A FIRST CAUSE OF ACTION

(Negligence, Gross Negligence, Willful, Wanton and Reckless Conduct)

10. Plaintiff incorporates by reference, as if fully set forth, each and every allegation in the proceeding paragraphs and restates and realleges each and every cause of action as if repeated herein verbatim.

11. Defendant was, at the time and place above-mentioned, negligent, careless, grossly negligent, reckless, wanton and willful in any one or more of the following particulars:

- a. In that Defendant, Jessica Floissac, failed to maintain a proper lookout;
- b. In that Defendant, Jessica Floissac, failed to keep her vehicle under proper control;
- c. In that Defendant, Jessica Floissac, failed to properly observe the road and traffic conditions;
- d. In that Defendant, Jessica Floissac, was operating her vehicle at a speed greater than was reasonable and prudent under the conditions then existing, in violation of Sec. 56-5-1520, Code of Laws of South Carolina, as amended;
- e. In that Defendant, Jessica Floissac, failed to make timely application or use of her brakes when by doing so she could have avoided striking the vehicle in which Plaintiff was a passenger;
- f. In that Defendant, Jessica Floissac, failed to take any evasive action, by any means, to keep from striking the vehicle in which Plaintiff was a passenger;
- g. In that Defendant, Jessica Floissac, created a dangerous condition;
- h. In failing to use the degree of caution and care that a reasonable and prudent person would have used under the circumstances then and there prevailing;
- i. In other ways and particulars that may be shown through discovery and at trial;

any or all of which were the direct and proximate cause of the damages and injuries suffered by the Plaintiff herein, said acts being in violation of the statutory and common laws of the State of South Carolina.

12. As a direct and proximate result of the negligence, recklessness, willfulness, and wantonness of Defendant, Jessica Floissac, as aforesaid, the Plaintiff, was thrown about the interior of the vehicle and suffered great bodily injury and suffered personal injuries, incurred expensive medical, doctor, hospital, nursing, and drug bills, suffered loss of income, suffered pain and mental anguish, suffered impairment, anxiety, inconvenience and will continue to suffer same in the future; all to Plaintiff's general damage and detriment.

13. As a result of the acts of Defendant, Jessica Floissac, which are chargeable against the Defendant, Island Style Homecare, LLC, under the doctrine of respondeat superior, as set forth above, the Plaintiff is informed and believes that she is entitled to an award of actual damages, together with punitive damages and for the costs of this action to be determined by a jury.

AS TO DEFENDANT ISLAND STYLE HOMECARE, LLC

FOR A FIRST CAUSE OF ACTION

(Negligence, Gross Negligence, Willful, Wanton and Reckless Conduct)

14. Plaintiff incorporates by reference, as if fully set forth, each and every allegation in the proceeding paragraphs and restates and realleges each and every cause of action as if repeated herein verbatim.

15. Defendant, Island Style Homecare, LLC, was at the time and place above-mentioned, negligent, careless, grossly negligent, reckless, wanton and willful in any one or more of the following particulars:

- a. In that Defendant, Island Style Homecare, LLC, entrusted its vehicle to a driver it knew, or should have known, would operate the vehicle in a negligent or reckless manner;
- b. In that Defendant, Island Style Homecare, LLC, failed to make inquiry as to the abilities of the Defendant, Jessica Floissac, to safely and properly operate the vehicle;
- c. In that Defendant, Island Style Homecare, LLC, failed to properly inspect, maintain, service, or repair the vehicle Defendant, Jessica Floissac, was driving;
- d. In that Defendant, Island Style Homecare, LLC, failed to maintain its vehicles in a safe manner;
- e. In that Defendant, Island Style Homecare, LLC, failed to routinely and properly inspect its vehicles; and
- f. In other respects to be proven through discovery and trial;

any or all of which were the direct and proximate cause of the damages and injuries suffered by the Plaintiff herein, said acts being in violation of the statutory and common laws of the State of South Carolina.

16. As a direct and proximate result of the negligence, recklessness, willfulness, and wantonness of Defendant, Island Style Homecare, LLC, as aforesaid, the Plaintiff, was thrown about the interior of the vehicle and suffered great bodily injury, suffered personal injuries, incurred expensive medical, doctor, hospital, nursing, and drug bills, suffered loss of income, suffered pain and mental anguish, suffered impairment, anxiety, inconvenience and will continue to suffer same in the future; all to Plaintiff's general damage and detriment.

17. As a result of the acts of Defendant, Island Style Homecare, LLC, as set forth above, the Plaintiff is informed and believes that she is entitled to an award of actual damages, together with punitive damages and for the costs of this action to be determined by a jury.

WHEREFORE, the Plaintiff prays for judgment against:

- (a) Defendant, Jessica Floissac, for actual damages and the costs of this action;
- (b) Defendant, Jessica Floissac, for punitive damages and for such other and further relief as this Court might deem just and proper;
- (c) Defendant, Island Style Homecare, LLC, for actual damages and the costs of this action;
- (d) Defendant, Island Style Homecare, LLC, for punitive damages and for such other and further relief as this Court might deem just and proper.

Savannah, Georgia
January 26, 2022

Respectfully submitted,

KENNETH S. NUGENT, P.C.

By: s/James J. Kasprzycki
James J. Kasprzycki
South Carolina Bar No: 12413
Attorney for Plaintiff

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